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7 *Attorneys for Defendant*
8 ELAVON, INC.

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 AMIR ASLAM, an individual,
12
13 Plaintiff,

14 vs.

15 ELAVON INC., a Foreign Corporation,
DOES I through X, inclusive; ROE
16 CORPORATIONS I through X, inclusive
17 Defendant.

Case No. 2:22-cv-01970-RFB-VCF

**DEFENDANT’S UNOPPOSED MOTION
FOR REPRESENTATIVE TO APPEAR AT
EARLY NEUTRAL EVALUATION
SESSION BY VIDEOCONFERENCE**

[SECOND REQUEST]

18
19 Defendant, ELAVON, INC. (“Defendant”), by and through its counsel, Littler Mendelson,
20 P.C., hereby submits this unopposed Motion to permit its representative to appear remotely by
21 videoconference technology (*i.e.*, Zoom) at the Early Neutral Evaluation Session (“ENE”) scheduled
22 for May 18, 2023. This is Defendant’s second request to permit its representative to appear remotely
23 at the ENE.

24 **I. BACKGROUND**

25 Per the Court’s prior order (ECF No. 25), the Court has requested additional information
26 regarding: (1) the need for Defendant’s representative to appear remotely at the ENE and (2) the scope
27 of settlement authority of Defendant’s representative. **ECF No. 25.** Defendant respectfully submits
28

1 the instant unopposed Motion consistent with the Court's prior order.

2 **II. LEGAL STANDARDS**

3 The Order Scheduling Early Neutral Evaluation ("Order") scheduled the ENE for this matter
 4 for May 18, 2023, before U.S. Magistrate Judge Elayna J. Youchah. **ECF No. 16.** The Order and Local
 5 Rule 16-6(e) require that a representative of Defendant with binding authority to settle the matter
 6 attend in person. *Id.* The Order also permits "[a]ny request to be excused [to] be filed, after
 7 consultation with opposing counsel, no later than seven (7) days before the date of the ENE." *Id.*

8 **III. DEFENDANT RESPECTFULLY REQUESTS ITS REPRESENTATIVE WITH** 9 **BINDING AND FULL SETTLEMENT AUTHORITY BE PERMITTED TO APPEAR** 10 **REMOTELY AT THE ENE**

11 Consistent with the Court's prior Order (ECF No. 25), Defendant has evaluated further and has
 12 elected to designate a different representative with first-hand knowledge of the underlying allegations
 13 to attend the ENE, notwithstanding that its representative that was initially going to attend the ENE
 14 did have the requisite full settlement authority. Despite Defendant's diligence in attempting to identify
 15 an appropriate representative who is available to attend the ENE in person in Las Vegas, Defendant
 16 has concluded its newly designated representative will nonetheless require permission to appear
 17 remotely via Zoom videoconference technology.

18 Defendant will be represented at the ENE by David Statzer, Vice President, National Accounts
 19 Team & Strategic Markets ("Mr. Statzer"). Mr. Statzer has binding and full authority to settle the
 20 matter and will be able to attend, and participate in, the ENE for its duration. Mr. Statzer is a senior,
 21 executive-level employee of Defendant who is responsible for management of Defendant's business
 22 operations nationwide. Moreover, Mr. Statzer has thorough knowledge of the factual circumstances
 23 underlying Plaintiff's Complaint and the allegations made against Defendant therein having been a
 24 decision-maker with respect to Plaintiff.

25 Mr. Statzer resides and primarily works for Defendant in Cincinnati, Ohio. Mr. Statzer will be
 26 returning to the office from an out of state vacation on Wednesday, May 17, 2023. Whereas Mr. Statzer
 27 is in Ohio, attendance at the ENE in Las Vegas will require approximately three (3) days of travel.
 28 Traveling to Las Vegas for the ENE would conflict with no fewer than eight (8) critical meetings on

1 Mr. Statzer's calendar and would result in disruption and delay of Defendant's business operations.¹
 2 Notwithstanding, as noted, Mr. Statzer is prepared to attend and participate in the ENE remotely and
 3 has binding and full authority to settle the matter.

4 The instant Motion is submitted in a timely manner and in accordance with the deadline set
 5 forth in the Order. **ECF No. 16.** As noted in Defendant's prior motion (ECF No. 24), counsel have
 6 discussed Defendant's request to permit its representative to appear remotely at the ENE. Defense
 7 counsel has confirmed Plaintiff's counsel does not oppose the request nor the instant Motion.
 8 Defendant is fully prepared to engage in productive and good faith efforts to resolve the matter at the
 9 ENE and does not believe that remote appearance by its representative will impede such efforts.²

10 Accordingly, Defendant respectfully requests that its representative, David Statzer, Vice
 11 President, National Accounts Team & Strategic Markets, be permitted to participate in the ENE
 12 remotely via Zoom videoconference technology.

13
 14 Dated: May 11, 2023

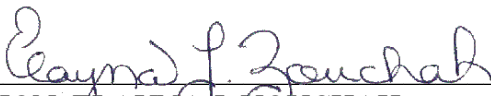
Respectfully submitted,

15
 16 /s/ Michael D. Dissinger

WENDY M. KRINCEK, ESQ.
 MICHAEL D. DISSINGER, ESQ.
 LITTLER MENDELSON, P.C.

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 18 *Attorneys for Defendant*
 19 ELAVON, INC.

20 **IT IS SO ORDERED.**

21
 22 
 23 HON. ELAYNA J. YOUCHAH
 24 UNITED STATES MAGISTRATE JUDGE

25 DATED: May 12, 2023

26
 27
 28 ¹ Mr. Statzer has additional recurring meetings during this time that he will cancel or reschedule.

² Defense counsel will be attending the ENE in person.